IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.M.JAMES

TUESDAY, THE 5TH DECEMBER 2006 / 14TH AGRAHAYANA 1928

WP(C).No. 28252 of 2006(L)

PETITIONER:

K.V.RAPHEL, S/O.LATE VARUTHUKUTTY,
KOCHAPPALLY HOUSE, KOCHAPPALLY ROAD,
PALARIVATTOM POST, ERNAKULAM, NOW WORKING
AS BLACK SMITH, K.S.R.T.C, REGIONAL WORKSHOP,
ALUVA.

BY ADV. SRI.S.ABDUL SALAM

RESPONDENTS:

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1. THE JOINT REGISTRAR CO-OPERATIVE
SOCIETIES, ALUVA, ERNAKULAM.

2. THE SECRETARY, THAIKKATTUKARA SERVICE
CO-OPERATIVE SOCIETY, THAIKKATTUKARA-683 106.

3. SMT.SAINABA, W/O.V.S.ALI,
BUNGLOW PARAMBU, THAIKKATTUKARA,
THAIKKATTUKARA POST, ERNAKULAM DISTRICT.

4. THE MECHANICAL ENGINEER,
K.S.R.T.C, REGIONAL WORK SHOP. ALUVA.

BY ADV. SRI.R.SURESH KUMAR
SRI.LIFFY P. FRANCIS
SRI.K.PRABHAKARAN, SC, K.S.R.T.C.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 05/12/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C) 28252/2006

APPENDIX

Ext.P1	TRUE COPY OF THE CERTIFICATE ISSUED BY THE SECOND RESPONDENT SOCIETY DATED 17.10.2006.
EXT.P2	TRUE COPY OF THE ORDER ISSUED BY THE SECRETARY, THAIKKATTUKARA SERVICE CO-OPERATIVE BANK DT. 7.10.2006.
EXT.P3	TRUE COPY OF THE PETITION DT. 20.10.2006 BY THE PETITIONER TO THE FIRST RESPONDENT.
EXT.P4	TRUE COPY OF THE PETITION DT. 20.10.2006 TO THE FIRST RESPONDENT BANK FILED BY THE PETITIONER.

//TRUE COPY//

P.S. TO JUDGE.

J.M. JAMES, J.

W.P.(C) No. 28252 of 2006

Dated this the 5th December, 2006.

J U D G M E N T

The writ petitioner is one of the sureties. 3rd respondent is the principal debtor. Yet another surety, one K.J.Xavier, is in the service of the 4th respondent. The second respondent proceeded against the writ petitioner for realisation of the loan availed by the third respondent. The writ petitioner is about to retire from the service of the KSRTC, 4th respondent. He also remitted an amount of Rs.22,500/= towards the loan availed by the 3rd respondent. Counsel for the writ petitioner, therefore, pray that further deductions, from the salary, or the benefits, at the instance of the second respondent, may be stayed. Further, it is submitted that the writ petitioner has filed Ext.P3 representation dated 20.10.2006 before the Arbitrator, the Joint Registrar of Co-operative Societies, Aluva. The same is pending consideration.

2. I have heard the arguments advanced by the learned Standing Counsel for the second respondent, 4th respondent, and the Senior Government Pleader for the first respondent. There is no representation from the 3rd respondent, though notice was served on her.

3. After considering the materials on record, I dispose of the writ petition, directing the first respondent, Joint Registrar of Co-operative Societies, Aluva, to dispose of Ext.P3 representation pending before him, at the earliest, in any case, within two months from the date of receipt of a copy of this judgment, after hearing all concerned, including the principal debtor.

4. There shall be a stay of all further proceedings until the disposal of the representation.

J.M. JAMES,
JUDGE

nj.